

Memorandum of Understanding

between

Healthcare Inspectorate Wales

and

**NHS Wales National Collaborative
Commissioning Unit**

July 2017

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1. Version control

Version Number	1.0
Date agreed	July 2017

Revision History and Approval

Version	Date agreed	Agreed by
1.0	12.10.2017	Kate Chamberlain and Stephen Harray

2. Introduction

- The purpose of this Memorandum of Understanding (MoU) is to set out a framework to support the working relationship between Healthcare Inspectorate Wales (HIW) and NHS Wales National Collaborative Commissioning Unit (NCCU)
- The working relationship between HIW and NCCU is part of the maintenance of an assurance system for healthcare in Wales which promotes patient safety and high quality healthcare.
- HIW is the independent inspectorate and regulator of healthcare in Wales. HIW's core role is to review and inspect NHS and independent healthcare organisations in Wales to provide independent assurance for patients, the public, the Welsh Government and healthcare providers. NCCU performance manages National Framework providers and services the seven Local Health Boards and Welsh Health Specialised Services Committee (WHSSC). The responsibilities and functions of HIW and NCCU are set out at Annex A.
- This MoU does not override the statutory responsibilities and functions of HIW and NCCU and is not enforceable in law. However, the HIW and NCCU agree to adhere to the contents and principles of this MoU.

3. Principles of cooperation

- HIW and the NCCU are committed to an inspection, regulation and assurance system for healthcare in Wales which is transparent, accountable, proportionate, consistent, and targeted
- HIW and NCCU intend that their working relationship will be characterised by the following principles:
 - The need to make decisions which promote patient safety and high quality healthcare
 - The need to maintain public and professional confidence in the two organisations
 - Openness and transparency between the two organisations, as to when cooperation is and is not considered necessary or appropriate.
 - The need to use resources effectively and efficiently

4. Areas of cooperation

- The working relationship between HIW and NCCU involves cooperation in the following areas:

- Routine information sharing
- Cross-referral of concerns
- HIW to be given read only access to the Commissioning Care Assurance & Performance System (CCAPS) database, with no access to any patient identifiable information
- NCCU to be provided with Regulation 30/31 notifications, for providers on the NCCU framework, on a monthly basis. In the event of any notifications of concern, HIW will share the information with NCCU at the earliest possible opportunity

5. Routine information sharing

- HIW and the NCCU will each make available routine information arising from their regulatory activity that may assist the other in its remit. This will entail responding positively to requests for information in a timely manner.
- The routine sharing of information will be through appropriate access for HIW to the CCAPS system and any notifications received by HIW
- Responsibility for appropriate use of information from the CCAPS system, by HIW staff, will fall under the remit of the HIW Information Asset Owner (IAO), detailed in Annex B. Advice will be provided, by the IAO, on how any information shared between the two organisations will be handled if required

6. Cross-referral of concerns

- Where the HIW or NCCU encounters a concern which it believes falls within the remit of the other, they will at the earliest opportunity convey the concern and relevant information to a named individual with relevant responsibility at the other organisation. In the interest of patient safety, the referring organisation will not wait until its own investigation has concluded.
- In particular, HIW will refer to the NCCU:
 - Any relevant information about a NCCU framework provider's regulatory non-compliance.
 - Any concern or relevant information about a NCCU framework provider or a part of that organisation which may call into question its suitability to provide care to a specific user group
 - Any concerns and relevant information about a NCCU framework provider which may call into question the robustness of systems to support and maintain the safety of the service users.
- In particular, the NCCU will refer to HIW:

- Any concerns and relevant information about a NCCU framework provider in Wales which calls into question the quality of care and services it provides.
- Any non-patient identifiable information regarding incidents, Protection of Vulnerable Adults (POVA), complaints that is collected as part of National Framework information requirements for framework providers in Wales

7. Media/publications related to healthcare providers

- HIW and the NCCU will seek to give each other adequate warning and sufficient information about any planned press releases and announcements to the public that the other may need to know of where this is feasible.
- HIW and the NCCU will respect the confidentiality of any documents shared in advance of publication and will not act in any way that would cause the content of those documents to be made public ahead of the planned publication date.
- HIW and the NCCU will work to ensure that the recommendations arising from investigations and reviews are communicated widely and are understood.

8. Information sharing

- Implementing this MoU will require HIW and the NCCU to exchange information. All arrangements for collaboration and exchange of information set out in this MoU and any supplementary agreements will take account of, and comply with, all relevant legislation and any HIW and NCCU codes of practice, frameworks or other policies relating to confidential personal information.
- Both HIW and the NCCU are subject to the Freedom of Information Act 2000 and Data Protection Act 1998. If one organisation receives a request for information that originated from the other, the receiving organisation will discuss the request with the other before responding.

9. Resolution of disagreement

- Any disagreement between HIW and the NCCU will normally be resolved at working level. If this is not possible, it may be referred through those responsible for the management of this MoU, up to and including the Chief Executive of HIW and the Executive Director of National Collaborative Commissioning who will then jointly be responsible for ensuring a mutually satisfactory resolution.

10. Duration and review of this MoU

- This MoU will be reviewed periodically but at a minimum every two years.
- Both organisations have identified a person responsible for the management of this MoU, contact details are provided at Annex B. They will liaise as required to ensure this MoU is kept up to date, identify any emerging issues and resolve any questions that arise as to the interpretation of this MoU.

11. Signatories

Signed

Kate Chamberlain
Chief Executive
Healthcare Inspectorate Wales

Stephen Harrhy
Executive Director with
Responsibility for National
Collaborative Commissioning Unit
NHS Wales

K Chamberlain

S Harrhy

Date: 12.10.2017

Date: 06.10.2017

Annex A

Responsibilities and functions

Healthcare Inspectorate Wales (HIW) and the NHS Wales National Collaborative Commissioning Unit (NCCU) acknowledge the responsibilities and functions of each other and will take account of these when working together.

Responsibilities and functions of HIW

1. HIW is the independent inspectorate and regulator of healthcare in Wales.
2. HIW carries out its functions on behalf of Welsh Ministers and, although part of the Welsh Government, protocols have been established to safeguard its operational autonomy. HIW's main functions and responsibilities are drawn from the following legislation:
 - Health and Social Care (Community Health and Standards) Act 2003;
 - Care Standards Act 2000 and associated regulations
 - Mental Health Act 1983 and the Mental Health Act 2007
 - HIW's priorities are:
 - Provide assurance: Provide an independent view on the quality of care
 - Promote improvement: Encourage improvement through reporting and sharing of good practice
 - Influence policy and standards: Use what we find to influence policy, standards and practice
3. HIW's core role is to review and inspect NHS and independent healthcare organisations in Wales to provide independent assurance for patients, the public and others that services are safe and of good quality. Health services are reviewed against a range of published standards, policies, guidance and regulations. As part of this work HIW will seek to identify and support improvements in services and the actions required to achieve this. If necessary, HIW will undertake special reviews and investigations where there appears to be systematic failures in delivering healthcare services, to ensure that rapid improvement and learning takes place.
4. **Responsibilities and functions of the NHS Wales National Collaborative Commissioning Unit**
 1. The NHS Wales National Collaborative Frameworks for Adult Mental Health & Learning Disability Hospitals and CAMHS Low Secure and Acute Hospitals are formal agreements and mechanisms developed by the NHS Wales Collaborative Commissioning Leads and Shared Services Partnership that enables the National Health Service in Wales to procure and performance manage services under the pre-agreed standards, costs, terms and conditions of a contract in a compliant manner in accordance with EU and UK Procurement Regulations and LHB Standing Orders and Financial Instructions.

2. To minimise the duplication of effort by Providers in their dealings with the Trust and/or the Health Board, NHS Wales has arrangements for collaborative quality assurance, performance and contract management. This function is discharged through the National Health Service Wales National Collaborative Commissioning Unit (NCCU) hosted by Cwm Taf University Health Board
3. The NHS Wales National Collaborative Commissioning Unit performance manages National Framework providers by;
 - Challenging substandard provider performance and advising on improvement through hospital assurance reviews;
 - Collating and analysing performance management information in line with the National Framework specifications, standards and contract conditions through the Commissioning Care Assurance & Performance System;
 - Ensuring providers reduce risk and dependency and promote hope, recovery and rehabilitation;
 - Ensuring all procured services are provided and present value for money;
 - Ensuring provider quality and safety concerns are raised, discussed and disseminated with commissioners and statutory agencies; and
 - Facilitating collaborative working between providers and commissioners to ensure safe, effective and high quality care that improves patient experience.
4. Hospital assurance reviews are undertaken by the NHS Wales National Collaborative Commissioning Unit and involve obtaining assurance that the provider is adhering to all the requirements of the National Framework, maintaining the required clinical standards and ensuring good clinical practice underpins clinical care
5. It is the information gathered from these reviews and from the Commissioning Care Assurance & Performance System that will be shared with HIW.

Annex B

Contact details

Healthcare Inspectorate Wales

Government Buildings
Rhydycar Business Park
Merthyr Tydfil
CF48 1UZ
Telephone: 0300 062 8163

NHS Wales National Collaborative Commissioning Unit

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CF14 7XB
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Named contacts between the HIW and the NCCU are as follows:

Chief Executives (internal escalating policies should be followed before referral to Chief Executives)

Kate Chamberlain
Chief Executive, Healthcare Inspectorate Wales
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MoU management

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HIW Information Asset Owner

Kevin Barker, Healthcare Inspectorate Wales
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Performance and Information Manager

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